

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, September 17th, 2018

Those Present: Mrs. Debbie Burrell, Chair
 Mr. Frank Davis, Board Member
 Ms. Joan Aquilino, Board Member
 Mrs. Linda Thall, Senior Assistant County Attorney
 Mr. Bob Shrum, Alcoholic Beverage Inspector
 Mr. Robert Lind, Alcoholic Beverage Inspector
 Mrs. Penny Bussard, Liquor Board Coordinator
 Mrs. Ashley Sklarew, Administrative Specialist V
 Mrs. Dawn Shugars, Administrative Specialist V

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by the Chair, Debbie Burrell.

1. Debbie Burrell introduced the newest Board Member Joan Aquilino.
2. Violations
 - a. Sales to Minor

Crestwood Liquors
In Ho Kim and Kirby Anthony
for the use of Crestwood Plaza Liquors, Inc.
t/a Crestwood Liquors
6930 Crestwood Blvd.
Frederick, MD 21703
Class A, Off Sale, Beer, Wine & Liquor
License #11AL 1268 SUWT, FCLB Case#11663

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that on May 4th, 2018 at approximately 7:33 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Jason Strine was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.16 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensee In Kim plead guilty with an explanation. The Maryland State Police report was made part of the record.

The officer and the minor entered the store, the minor is a cadet with the Maryland State Police. The minor picked up a six pack of Bud Light. The clerk did request to see identification but proceeded with the sale anyway. The clerk was identified as In Ho Kim. Mrs. Thall wanted noted for the record that there was only one officer who was not uniformed involved in

this case. Mrs. Burrell asked Mr. Kim if he was okay with the Board reviewing the police report. He replied, "Yes."

Mrs. Thall asked Mr. Kim if he had anything he wanted to inform the Board of. Mr. Kim said he checked the identification and thought the minor was twenty one. He made a mistake of figuring out the date of birth. The officer showed Mr. Kim the identification again to review. Mr. Kim realized that he did not do his math correctly. This is his mistake and he is guilty.

Mrs. Burrell asked if Mr. Kim is TIPS and ABLE trained. She pointed out that Maryland vertical identifications typically are for under twenty one years of age. Mr. Kim said they accept vertical identifications from a lot of his customers because they are not expired. Those individuals are twenty one usually. He is TIPS certified. The officer noted for the record that Mr. Kim was very cooperative and polite throughout the process. Mrs. Burrell asked if there is signage posted for carding requirements. She asked if he needed a refresher in ID training. Mr. Kim's certification does not expire until May 17th, 2022. Mr. Kim wanted to let the Board know that he has never sold to a minor in over fifteen years.

Mrs. Bussard read the violation history. On December 21st, 2009, there was a second offense for a work schedule not being on the premises. Mrs. Thall read the Board's options for penalty.

MOTION: Mr. Davis made a motion to asses a \$500.00 fine, suspend \$250.00. This is due to the clean history and cooperation with law enforcement.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell -Aye
Mr. Davis – Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

b. Sales to Minor

Kittiwat Thai Kitchen
Concepcion Warner
for the use of IIM LLC
t/a Kittiwat Thai Kitchen
Frederick, Md 21703
Class B, On Sale, Beer, Wine & Liquor

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that on May 4th, 2018 at approximately 8:44 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Jason Strine was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.16 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensee plead guilty. The Maryland State Police report was made part of the record.

The officer and the minor entered the restaurant but sat separately. The officer did sit within sight of the minor. The minor ordered a Flying Dog beer. The clerk did not request to see identification. The server was identified as Jade Lopez.

Mr. Warner explained that the server was not working in that section at the time. The original server was busy and the minor flagged down another server and she thought that the minor was carded. The server was suspended for two weeks. She asked for the suspension to be reduced because of her inability to pay bills. The licensee agreed and stated that the server was very sorry and felt guilty. They now check all identifications after this incident.

Mrs. Burrell asked was there an alcohol certified person on staff at the time. The licensee replied, "Yes, the manager." Mrs. Burrell asked about training policies. The licensee just has the managers and himself trained. There is a new plan where all the employees will be TIPS trained. Mrs. Burrell asked the officer to verify that this was a Health Department generated compliance check. He stated that they hit about twenty stores that night.

Mrs. Bussard read the violation history. On May 1st, 2015, there was a Late to File Renewal, paid a no contest fee of \$100.00. Mrs. Thall read the Board's options for penalty.

MOTION: Mr. Davis made a motion to asses a \$500 fine with \$250.00 suspended.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell -Aye
Mr. Davis – Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

c. Sales to Minor

Spring Ridge Exxon
Mansoor Anvari, Sarah Steinburg, & Kamran Youssefieh
for the use of Spring Ridge Petro LLC
t/a Spring Ridge Exxon
6067 Spring Ridge Parkway
Frederick, MD 21701
Class A, Off Sale, Beer, Light Wine
License #11AW 1044 SU, FCLB Case#11571

Mrs. Thall asked Mrs. Bussard to put on the record the background of this case and the postponement. Mrs. Bussard asked Mr. Anvari where the other licensees were. The Board originally approved the postponement while one of the licensees was away. This is a new hearing date that was requested by the licensees. Mr. Anvari replied that the managing partner Kamran Youssefieh had an emergency and was running late. He is the only one here right now. He is willing to go forward with the hearing without them. He is aware of the situation. He has some explanations.

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that on May 4th, 2018 at approximately 8:20 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Jordan Santis was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.16 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensee plead guilty with an explanation. The Maryland State Police report was made part of the record.

The officer and the minor entered the store, the minor picked up a six pack of Bud Light bottles. The clerk did not request to see identification. The clerk was identified as Ofelia Capicchioni.

Mrs. Burrell asked if there were any comments Mr. Anvari would like to let the Board know. Mr. Anvari stated that all the management and employees are TIPS trained. The employee was terminated. Mrs. Shugars interjected that the server was not certified until June 21st, 2018. . He explained that the person who sold has been terminated. The server was warned and had found a way to bypass the registers and make the sale without scanning the identification. They have software that stops a sale if an identification is not scanned. They did not understand how the clerk bypassed the system. They have redone the system as of July 15th, 2018.

Mrs. Burrell asked if the clerk was the only one at the store at the time of service to a minor. Mr. Anvari replied, "Yes." Ms. Aquilino asked him to confirm that every time a sale is made, an identification has to be seen. Mr. Anvari said yes that is in fact the case and now it cannot be bypassed. Mrs. Burrell asked if the identification is physically checked not just run it through a scanner. Mr. Anvari again reiterated their new POS system will not allow a sale without the scan. They have went a step further and made sure everyone is trained to look at identifications.

Mrs. Burrell asked the officer if this was typical compliance check. He stated yes it was. Ms. Aquilino asked if he witnessed the clerk struggling to bypass the sale. The officer does not recall.

Ms. Aquilino asked if both licensees should be present. Mrs. Bussard replied, "Yes." Mrs. Burrell added that this has been a requirement of the Board. All licensees should be present because this is a serious infraction. Mrs. Thall made it known for the record that the Board has the authority to institute additional charges for the failure to appear. They would be addressed at a later time. According to the record the clerk was not TIPS certified at the time of the sale. The only copy on file was the class certification that the clerk took on June 21st, 2018. Mrs. Burrell asked if this was standard practice to have one person on duty. He answered, "Yes on the night shift, there is typically only one employee." Ms. Aquilino voiced her concerns that the clerk was not certified at the time of the sale and that the other two licensees are not present.

Mrs. Bussard went over the violation history. On June 1st, 2012, there was a charge of No Alcohol Awareness person on staff, paid a \$100.00 No Contest fine. On August 28th, 2012, there was no Regulation Book on premise, a warning letter was sent. On May 1st, 2014, there was a Late to Pick Up a Renewal, paid a \$50.00 No Contest fine. On June 17th, 2016, there was Sales to Minors, a conference was held. On June 27th, 2017, there was Late to Pick Up Renewal, there was a \$100.00 No Contest fine.

Mr. Youssefieh came in late. The motion that was made by Mrs. Burrell was put on hold to hear what he had to say. She made him aware that there is still a missing licensee. That will cause a failure to appear violation. The alcohol awareness person was not on staff at the time of the sale. Mr. Youssefieh said as far as he knows there is always someone on staff that is alcohol awareness trained. This just happened about 3 weeks ago. He said when personnel would change, they would forget to get them certified. The new policy going forward everyone is trained. Mrs. Burrell asked if Mr. Youssefieh was the licensee who is active in the business. He replied, "Yes, myself." They have new scanners that will not bypass the sale. Mr. Anvari got TIPS certified even if he isn't active at the store. He thought it was important.

Mrs. Burrell asked Mr. Youssefieh why he was so late for the hearing today. Mr. Youssefieh stated that his wife got a call from her business and had to go to work. He had to take care of the kids. Time got away from him. Mrs. Burrell confirmed with Mrs. Bussard that the resident licensee had not shown up yet. She does not have an active role in the business. The minor was dismissed from the hearing. The inside officer was present.

MOTION: Mr. Davis made a motion to assess a \$750.00 fine.

SECOND: Ms. Aquilino seconded the motion to discuss, doesn't agree with current motion.

MOTION DIES

SECOND MOTION: Mrs. Burrell made a motion to assess a \$1000.00 fine. Two additional charges will be for the 3rd licensee failing to appear and the TIPS certified person not being on staff at the time of the sale. These will be set in for another hearing.

SECOND: There was no second because 2nd licensee showed up for more testimony.

SECOND AFTER TESTIMONY: Ms. Aquilino seconded the motion. She confirmed the two year rule with Mrs. Bussard.

FURTHER DISCUSSION ON THE MOTION: Ms. Aquilino was uncomfortable putting forth a motion on her first day. She deferred the second motion to Mrs. Burrell. Mrs. Burrell asked about the new violations to be heard at another hearing. Mrs. Thall confirmed that is how it would work.

VOTE: Mrs. Burrell -Aye
Mr. Davis – Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

3. New Licenses

a. Wingstop

Wingstop
Daniel Remaklus and Thomas Colligan Jr.
for the use of Redcow Polity V, LLC.
t/a Wingstop
1031 W. Patrick Street
Frederick, Md 21702
Class B, On Sale, Beer only

Mrs. Thall swore in the applicants. The pending items are Fire Marshal, and the Inspector's report. Mr. Remaklus said the Fire Marshal had already been

out. Mrs. Bussard needs to check the system to see if it was signed off. Inspector Lind went out to the establishment on August 13th, 2018 and they meet all the requirements of the Board.

Mrs. Burrell asked the licensees if they had ever held a license before. Mr. Remaklus stated that he has multiple license in Montgomery County. Mr. Colligan has never held a license before. She asked who will be involved in the day to day operations. Mr. Remaklus stated that he will be in the day to day operations. Mrs. Burrell wants them to be aware of the training options we offer to our licensees. There are templates on the website for them to utilize.

There was no public comment.

MOTION: Mr. Davis made a motion for conditional approval until September 24th, 2018.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell -Aye
Mr. Davis – Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

b. Grace of India

Grace of India
Rajesh Puri, Series Peeyush, and John McCabe
for the use of Urbana Spice LLC
t/a Grace of India
3531 John Simmons Street
Frederick, MD 21704
Class B, On Sale, Beer, Wine & Liquor

Mrs. Thall swore in the applicants. The pending items are the Inspectors Report. Inspector Shrum went out to the location on August 15th, 2018 and they meet all the requirements of this Board.

Mrs. Burrell asked if the applicants had held a license before. Mr. Puri has held one in Montgomery County and there was no violation history. Mr. Rajesh Puri and Series Peeyush will be in the day to day operations. Mr. McCabe is the Frederick County resident. Mr. Puri and Mr. Peeyush are ABLE trained and have signed up for the TIPS training.

There was no public comment.

MOTION: Mr. Davis approved the application.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell -Aye
Mr. Davis – Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

4. Proposed Legislation – Mrs. Burrell wanted to inform the audience that everything on the proposed legislation has been suggested by a licensee, Economic Development or new incoming businesses. She called for public comment on each item below after they were read.

a. Multiple License –

- i. Matt Wilms with Republic National Distributing Company is opposed to this proposed item. This slants to one licensee versus the other. On premise license can be under the same name but not Off premise due to census. On premise can sell to go therefore creating a dual license. Off premise does not have the same privilege because census. This opens a very slippery slope of chain stores, multiple locations, & census changes.
- ii. Kevin Storm with Frederick Winehouse is opposed to this proposed item. The intent is to allow on premise sales for multiple licensees. Frederick County is unique with allowing on premise to sell to go under 14.5%. This is an On and Off premise license. Other counties don't have the off premise component. If you get rid of this it will create unlimited off premise license. That is the intent of the State. The law was not set up this way.
- iii. Mr. Plamondon with Plamondon Enterprises is for this proposed item. He has several licenses throughout the county. From an administrative perspective this would ease the paperwork.
- iv. Julian Mitchell with Mountindale Convenience Store is opposed to this proposed item. The Maryland slogan "Open for Business" crushes the small business. Not every small business has a large corporation behind them. They invest their life funding into what they do. This will open up for chain stores. He knows anything that starts out small grows big.

- v. Raheel Jewelry of A1 Walkersville is opposed to this proposed item. The Off premise is regulated by the census. Small business owners work harder than big corporations. They don't have support or manpower like the big chains. We grow slowly as a small business. The chains take a certain role in the communities. This hurts the small businesses.
 - vi. Serey Lay with Springridge Liquors is opposed to this proposed item. This is not fair to the small business. Our livelihood is to survive and if you allow this, it wouldn't be fair.
- b. Volunteer Fire Company –
 - i. Susan Glass with Ott House is opposed to changing a Class C license because they do not need to be a member to consume on or off premise. Mrs. Bussard clarified for Mrs. Ott that it would be a specific license just for Volunteer Fire Companies. This would not affect all Class C licenses. She understands that it is a storage issue so why not just change the special licenses to add storage that way it is fair to all special Class C license holders not just fire companies. She suggest to just add storage and change State law. She wants to make sure they do not get to off sale their alcohol. She suggest that the Board review how this is written and make sure it makes sense.
- c. Basket of Cheer – There was no public comment on this proposed item.
- d. Theatre License –
 - i. Greg Mills with Warehouse Cinemas is support of this proposed legislative item. They intend to open a location in the Frederick Towne Mall on Route 40. The liquor license is a critical piece of their business. This is better fit for them long term.
 - ii. Carl Gloros with Frederick Film office is in support of this proposed legislative item. Frederick County needs something like this to help revitalize the Golden Mile area. He drives over and hour now to enjoy a draft house atmosphere. This would bring that here to Frederick County. This brings in tourism to Frederick.
- e. Class DDS –
 - i. Kevin Atticks with Grow and Fortify is in support of this proposed legislation. Frederick County has the largest concentration of Craft Distilleries in the state. This brings tourist in but currently they cannot serve cocktails. This has begun to hurt Maryland Distilleries. This bill would help those in this industry grow. They plan to put forward a state level bill to address this issue. Frederick County specifically proposing this change will help the Distilleries.

f. Signatures on application requiring ten signatures –

- i. Martin Johnson a liquor license consultant is in support of removing this as a requirement. This is a very onerous task. Requesting personal information is a recipe for identity theft. Most of the time the person signing does not understand what they are signing.
- ii. Mr. Plamondan with Plamondan Enterprises is in support of removing this requirement. He personally wants to echo what Martin Johnson stated. Knocking on doors makes the public assume you are selling something and they won't answer the door. This is not achieving what the Regulation was intended to do. Getting someone to sign who you just met doesn't mean they understand why or what they are signing. It is unnecessary. There is no objection to public comment, but find another way to get it out to the public to comment instead of signatures. This is an antiquated process and should be a thing of the past.
- iii. Leanne Schrecengost an attorney for multiple license holders is in support of removing this as a requirement. She also echoes what the two gentlemen before her said. This is an outdated practice. There are plenty of ways to allow the public to comment on the application process.

g. Removal Supermarket wording –

- i. Kevin Storm with Frederick Winehouse is opposed to this proposed legislative item. He is on the Board of Directors for MSLBA. He pointed out that Jubilee is a location who had requested this change and they are one of 14 locations throughout the mid-atlantic region. How are they a mom and pop store? Mrs. Bussard clarified that it depends on how they are structured. Paperwork will be forwarded to our attorney to review their structure. If they are independently owned and operated and not under the franchise flag then they qualify. Mr. Storms concern is it a legality at that point, it is how they structure their company. Mrs. Bussard clarified that if they are getting their advertisements from the corporate location then that is a franchise. Mr. Storm pointed out that Jubilee gets it advertisement from Great Value. Mrs. Bussard said this is not her area of expertise and that the legal department would review each scenario. Mr. Storm wanted to note he has a letter from MSLBA for the Board to review. He pointed out that the smaller businesses are local residents, the people who work are local residents, the taxes are local, their kids attend local schools, and they do local activities. He is adamantly opposed to taking this business away from the independent retailers that are local. The law set this up this way. He feels the Board

is going against everything that small business is about. Do we need to put our small stores out of business? There is an argument that the convenience factor plays a part but there is a local liquor store in every major shopping center. He feels it was set up to keep alcohol under control. It should be out of the sight of children. The states that this Board is citing are control states not licensing states. It is a whole different system you cannot compare the two. Do your homework.

- ii. Bob Thompson with the Common Market is in support of this proposed change. They are locally owned by over 6100 local Frederick County resident. They are independent and locally owned and feel this could benefit their business. They only use local vendors. This would allow them to give business to the local wineries and other local small businesses.
- iii. Susan Glass with Ott House is opposed to this proposed legislative item. She suggested next year that the licensees get the copy of the actual bill that is being proposed. This was confusing coming by email. The wording was not clear. A grocery store will have the ability to buy from the big box stores, therefore giving them a better price break. This will lower the margins and push out the little guys. This Board has always been for the small business. She understands the concept but the big box stores and big attorneys are going to come before this Board and state that you changed the title and this is our title and now you have to issue a license. This is going to be a big controversy. Taking the word supermarket out doesn't help anything or any small business.
- iv. Julian Mitchell with Mountindale Convenience is opposed to this change. This will hurt small businesses. When you give to the supermarkets you are taking away from the small business. He attended a hearing when Royal Farms came in to apply and the former Chairman Jesse Pippy did not allow it. He read a statute that if you own more than one entity under one control they cannot have a liquor license. This falls under franchise. They do not increase jobs with this change, small business always has a need. This Board needs to support small businesses.
- v. Matt Wilms with Republic National Distributing Company is opposed to this change. He has heard things said here today that bring more questions. This was not well thought out. This is opening a can of worms. He referenced Sheetz. Mrs. Bussard clarified that they are not a Class A license. They fall under a Class B and have been grandfathered. He pointed out this proves exactly what the opposition is saying. The Sheetz he has seen has four tables. This does not meet the

requirements and why has this not been addressed. The communication keeps changing. The original email did not state it was for smaller locally owned stores. What keeps these big stores from opening up a market place with tables and chairs and getting a Class B license? We have enough beer and wine stores in the county. We do not need convenience.

- vi. Bob Connor with Viniferous is opposed to this proposed change. He knows there are many who couldn't make it here today that are opposed this will be out of business within 90 days. This Board has talked about being business friendly, we don't want big outside stores coming in to hurt the small business. He appreciates this Board being proactive and listening to new ideas. There will be more work for the inspectors and office staff to make sure there is training and enforcement. How will the cashiers be monitored? This takes out the small business aspect. There are no organic wineries in this state. He refutes that comment. He doesn't agree that Common Market should be allowed to get a license.
- vii. Serey Lay with Springridge Liquors is opposed to this proposed change. This defeats the purpose of owning a small business. We are all here to make a living. The bigger corporations will hinder our growth and all our efforts to build our small businesses here in Frederick County. This will open up to chain stores.
- viii. New Market Liquors is opposed to this proposed change. He had applied before under Dash In and got denied. He doesn't understand some of the independently owned and operated language. He feels it can be twisted and changed and the big stores will find ways to get around it. This takes the dependability away from the small liquor stores. The bigger chains are closing because of the Amazon online ordering. Are we going to allow online liquor sales next? Where does it stop? If this the future, then it will hurt the small businesses.
- ix. Manish Desai with Franklin Liquors is opposed to this proposed change. Convenience of alcohol should not be stressed, alcohol is regulated by law not by convenience. They will not add to the workforce. The smaller businesses are held accountable for training and staying within strict guidelines. We take pride in our small business. They will not add any revenue to the state.
- x. Raheel Jewelry with A1 Beer & Wine is opposed to this proposed change. Some chains are owned by individuals but they can still be a chain. They all run as chains behind the scenes. He does accounting for independently owned and operated businesses and they are part of a larger chain. This

will destroy the local small businesses. They have to purchase from the larger suppliers. They will not use a local distributor. They can sell it very cheap.

- xi. Gary Zorchak with Frederick Winehouse is opposed to this proposed legislation. He has a question about Common Market not being under 10,000 square feet, they would not qualify for this license. Why are we using them as example? If the store uses the corporate marketing for advertising then that is a chain. Will the definition spell out the specifics? Wegmans has approached him to buy his store. They told him how they work around the chain stigma. They have a lot of money and can get around the laws. This opens the door for them to do just that. This will be devastating to local business.
- xii. Calvin Goodman is a local resident who is opposed to this proposed legislation. This will lose the small town feel. The consumer appreciates the knowledge that a small store offers. This is like a Mayberry feel in this town and we don't want to lose that.
- xiii. Tom Seymour with Orion Spirits is opposed this proposed legislation. He passed out some research he did on the top five reasons why this change would kill Frederick's liquor store industry. Margins are razor thin. The net profit is only about 1%. Competition is already everywhere. Physical location of our stores are located strategically near grocery stores to offer the convenience. All of their profit is in the Beer and Wine not in their liquor. Community health concerns where retail theft is on the rise. How will a supermarket control that? Synergy does not exist in competition. If they are buying a bottle from Giant means they are not buying it from the local small business. Future Consequences are that this will pave the way for chain stores. Every licensee in this room has shaped their business around the laws that have been in place since prohibition. Please protect the small businesses.
- xiv. Rich Cooper with Jefferson Market is a proud business owner in Frederick County for over 34 years. He has staff that has been with him over 28 years. He is strongly opposed to this proposed legislation. He has been in the supermarket business, he knows that this will be the destruction of many small businesses. You should research the other states that have done this.
- xv. Mr. Adoria a local resident that is strongly opposed this change in proposed legislation. The State of Maryland has been a three tier system for a long time. It appears that the homework has not been done thoroughly. Just because someone suggests something doesn't mean it is a good idea. These stores have

big storage and small stores cannot compete with this. This is not good for the community.

- xvi. Mr. Dorio is a local resident who is opposed to change in legislation. He has learned so much from the small business community that made him a better person. He wishes for Frederick County to remain in that way. The big corporate stores, the employees are just a number. He is someone who is reliable and helps his small business he works for to grow their business. He feels this should be taken off the list.
- xvii. Rida Mitchell with Mountindale Convenience is adamantly opposed to this change. She doesn't feel the communication made anyone comfortable. It is going to affect all small businesses. All these corporations need is a good hot shot lawyer to come in and twist the language. We will all be affected. Sheetz in Thurmont is a franchise. Mrs. Bussard clarified that they are not a Class A license holder. They were grandfathered in the late 80's for a Class B. Mrs. Mitchell doesn't care what label you put on it they are a franchise and they got around the rules. This is scary. She is asking that this door not be opened. They make their living doing groceries, we make our living selling alcohol. They should stick to what they do. We work very hard to follow the rules. We try to have your backs so you should have our backs.
- xviii. Brad Seiss with Gateway Liquors is opposed to this proposed change. We have a market right next door to us. Short term this is great for us, long term there is no way for us to survive. He has seen this happen in the construction industry. The larger corporations take over the small business. There is only one true family owned lumber yard left in this county. Small town hardware stores have been gobbled up by the larger corporations. These people here have put their life savings into their business. They have worked very hard to get where they are today. He is new to the industry but can see that his store will not survive if this goes through. This would affect 26 employees he has on the payroll right now. A salesman is telling you it is bad then it is bad. This Board better listen.
- xix. Leann Schrecengost an attorney wants a few points of clarification made on what is being proposed. She understands that removing supermarket from the state law definition will still be subject to 10,000 square foot limit, no chain stores, and the census will still be subject too. Mrs. Bussard said that is correct. She wanted the audience to understand what was being proposed. This is not going to let a Wegman's go out and get a license, there has to be one available and the square footage will still be an issue. The census is not being changed.

- xx. Elmer Watcher with Myersville Exxon is opposed to the proposed legislation. We don't need more locations to sell Beer & Wine.
 - xxi. Matt Wilms returned to the podium to clarify that if a grocery store adds a wine department he gets to sell them more. That will employ no extra people. They will not bring on more staff to manage the area. Every checker who is under 18 is out of a job because they cannot sell the alcohol. You can stock but cannot sell. This affects our younger generation. Does this Board think they will have a handle on ten eighteen year olds at Safeway? Do you really catch that many now? They can go through the line of a friend and he can sell to a minor and what is the probability of them getting caught? This is a bad idea. If Economic Development is behind this, then he is concerned for them.
 - xxii. Julian Mitchell returned to the podium to clarify that everyone in the room does understand what is going on here. This will grow legs and it will allow the big corporations to find a way in. This will morph into something bigger. Let grocery stores sell groceries and let the liquor stores sell the alcohol.
- h. Fix class C & B – Sunday sales bars and counter – fix language that was an error during the rewrite. There was no public comment on this item.

Mrs. Burrell expressed her appreciation to the licensees for coming out and expressing their concerns. We put this out there today because there is a new Board. She wanted the new Board members to have the opportunity to hear from our community on the proposed legislation. This Board wants to be responsive and make sure that we listen to everyone's input. If these proposed legislation items go to the General Assembly, it is up to them to decide if these items move forward. There will be a new General Assembly this year. We will take all the feedback and discuss this as a Board. She encourages the licensees to meet with their Delegation members.

This Board will be meeting with Senator Young and Delegate Folden to share the proposed legislative items. Mrs. Bussard will notify the licensees once the Board votes on what is going to be presented to the General Assembly. She will let Senator Young know that there was opposition. Mr. Wilms doesn't agree with stores not being able to be sold. If they cannot sell in this market there must be a problem with the business. Mrs. Glass asked if there will be a Delegation forum. Mrs. Bussard stated that happened in June. We try to do them every year around the month of June. Items that come in after the Forum, we typically will add those items in for the Delegation to review.

Mrs. Burrell wanted to be clear that we are presenting the items that were brought to our attention. It is not our function to be judge and jury on the items presented to the Board. This is to be transparent of any issues brought to this Board. We understand we have items on our books that are archaic and

prohibitive of business. We want to be have this open dialogue with our licensees to address the issues and be a means to help find amicable solutions. Mr. Seymour wants to know if there is access to who couldn't sell their business because it doesn't make sense.

Mrs. Burrell asked Mrs. Thall about privacy privilege with licensees. These request can come from various resources. Mrs. Thall added that typically if a matter is brought before the Board, it is of public record. There has been testimony in a public hearing on this particular reference of the person not able to sell their business, therefore it is public record. Every person has the right to be heard. In this act to be transparent every issue is brought forward in today's hearing to allow your voices to be heard. This will be shared with the Delegation. Mrs. Burrell assured the audience that this will be seen by the Delegation when they meet with them.

Ms. Aquilino suggested that the concerns that were raised here today can be brought to the Delegation meeting in December. She suggested contacting Bill Folden who is the Delegation chair. An audience member said the Delegation meeting is the first Saturday in December.

Mrs. Burrell asked for time so that the new Board members can discuss the proposed legislation. An email communication will be sent out to licensees once the Board votes, which will be via email too. This will take a few days.

Mr. Seymour wanted a final clarification that Common Market would not meet the requirements because they are over 10,000 square feet. We all know that a savvy lawyer will twist this. Mrs. Bussard understood that they made a request and they may be moving but didn't want to speak any further because she really isn't sure. Mr. Seymour stated that the next group coming in here will be lawyers chipping away at the laws and getting what they want. This will not just be for the smaller stores. Mrs. Bussard said, "You are correct, but this may not make it past Senator Young, some items never see the light of day." Just because it is being discussed today doesn't mean it makes it the Delegation. Mr. Wilms said he is confused, why would there be public comment if there wasn't the intent of going forward. Mrs. Bussard said all these items will be reviewed with Senator Young and then if he supports it, they proceed with presenting it to the Delegation. Mrs. Burrell interjected that the entire Delegation will review this. Mrs. Burrell and Ms. Aquilino have worked for legislators in their careers. We just want to be transparent. The Delegation may not take any of these suggestions. We have at least done our part, these did not fall on deaf ears. We want to be small business friendly. You as licensees are being fully represented.

Ms. Aquilino gave a little information about her background. She currently works with the Chamber of Commerce. She was formerly with the former Delegate Kelly Schulz. Small business owner and liquor license holder.

5. Entertainment Policy

Entertainment Policy – Mrs. Burrell reviewed the entertainment policy revisions.

MOTION: Mr. Davis made a motion to approve the revisions.

SECOND: Ms. Aquilino seconded for discussion.

FURTHER DISCUSSION ON THE MOTION: She would like to research this further. Mrs. Bussard added that we removed piped in music and theatrical performances. We already have establishment's licenses for theatrical performances, therefore it should not have been added to the entertainment policy. Ms. Aquilino had a lot of issues with this in the past. She asked Mrs. Bussard was this a bite of the apple or all inclusive. Mrs. Bussard said this is just a bite, this can be reviewed and critiqued more after Ms. Aquilino reviews the entertainment policy in detail. She is okay for seconding for the bite.

VOTE: Mrs. Burrell -Aye
Mr. Davis – Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

6. Minutes Update – Mrs. Shugars stated that all minutes are up to date via email votes.
7. Public Comment –
 - a. Kamran Youssefieh with Springridge Exxon came back up to the podium to clarify something from his hearing. The person was TIPS certified at the time of the violation. He sent a copy via email to Mrs. Bussard just now. Mrs. Shugars checked the file and it was not on file. The third licensee came late. She is now present. Mrs. Bussard said since the hearing had already occurred, the Board would have to decide whether to go forward with the violation for failure to appear. The card was not in the file. The Board would have to decide if a violation will take place. He wanted for the record that he had a copy of the card and the third licensee has now shown up late. Mrs. Burrell added in all fairness to the Maryland State Police officer was running behind and we moved your hearing to the later slot. This hearing was first on the agenda. There was ample time even with arriving late for everyone to get here for the hearing. The Board will decide how they will proceed and inform the licensee.
 - b. Susan Glass with the Ott House requested that her band members not be considered her employees. They are not allowed to drink on the stage. She finds it hard to monitor the band members while watching the bar area. They are their own employee and should not be considered her responsibility. She does not want to regulate their consumption of alcohol. Mrs. Glass would like the Board to consider changing the 30 minute grace period for a band to get packed up and out of the establishment. She had a larger band this weekend and it took them longer to get their equipment packed up and out of the building.

- c. Charlie Seymour with Orion and Surfhouse wanted to emphasize that the Board under Jesse Pippy was very forward thinking and he hopes to see the new Board continue that positive movement. He always was engaged and made every attempt to understand what licensees experience with all the legislation being pushed back on them. Most recently the efforts to make the processes easier, simpler, and user friendly. Mr. Seymour asked that this Board not complicate processes and continue the positive forward thinking. Mrs. Burrell stated that we want to continue this growth and change as we all understand we need to be business friendly. This staff has digitized forms, updated processes, changed policies where this office is open for business during renewals, and taking online payments. We understand you have your business to focus on. We encourage licensees to look at the antiquated policies, and regulations and provide staff with feedback. We are open to suggestions and this is just step one of improving our process. We have to take into consideration the public safety when it comes to service of alcohol, but always want the public to feel they can contact this office at any time.

Meeting adjourned at 11:41 am

Respectfully submitted,
Dawn Shugars, Administrative Specialist V
FREDERICK COUNTY LIQUOR BOARD